



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,463	02/09/2004	Shinichiro Mori	1046.1310	3598
21171 7590 01/04/2007 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER GARY, ERIKA A	
			ART UNIT 2617	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/04/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/773,463

Applicant(s)

MORI, SHINICHIRO

Examiner

Erika A. Gary

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 2 recites the limitation "the securing side" in line 19. There is insufficient antecedent basis for this limitation in the claim.

Claim Objections

3. Claim 3 is objected to because of the following informalities: it appears the second occurrence of "the first box body" should be "the second box body". Appropriate correction is required.

Specification

4. The disclosure is objected to because of the following informalities: the priority data should be included on the first page of the specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Ghaem et al., US Patent Number 5,146,231 (hereinafter Ghaem).

Regarding claim 1, Ghaem discloses a mobile terminal comprising: a first antenna as an omnidirectional antenna; a second antenna as directional antenna; and a switching unit for switching over the antenna for receiving [col. 5: lines 17-23].

7. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's submission of prior art, Vannatta et al., US Patent Number 5,649,306 (hereinafter Vannatta).

Regarding claim 1, Vannatta discloses a mobile terminal comprising: a first antenna as an omnidirectional antenna; a second antenna as directional antenna; and a switching unit for switching over the antenna for receiving [abstract; col. 4: lines 41-62].

Regarding claim 2, Vannatta discloses a printed circuit board mounted with the first antenna and the second antenna; a first box body holding the printed circuit board; and a second box body rotatably secured to the first box body, wherein the first antenna is provided in the vicinity of a front edge portion on the side opposite to the securing side of the first box body on the printed circuit board, and the second antenna is provided on an flip side of the surface facing the second box body on the printed circuit board when the first box body and the second box body are folded together [col. 7: line 48 – col. 8: line 9].

Regarding claim 3, Vannatta discloses wherein the switching unit switches over the receiving antenna, corresponding to whether the first box body and the second box body are in a folded state or in an unfolded state [col. 7: line 48 – col. 8: line 9].

Regarding claim 4, Vannatta discloses wherein the switching unit, in the case of the folded state, switches over the receiving antenna to the second antenna and, in the case of the unfolded state, switches over the receiving antenna to the first antenna [col. 7: line 48 – col. 8: line 9].

8. Claims 1, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's submission of prior art, Koyanagi et al., US Patent Number 5,940,040 (hereinafter Koyanagi).

Regarding claim 1, Koyanagi discloses a mobile terminal comprising: a first antenna as an omnidirectional antenna; a second antenna as directional antenna; and a switching unit for switching over the antenna for receiving [abstract; col. 1: line 65 – col. 2: line 15].

Regarding claim 5, Koyanagi discloses wherein the switching unit switches over the receiving antenna in accordance with a receiving sensitivity [col. 1: line 65 – col. 2: line 15; col. 3: line 64 – col. 4: line 3].

Regarding claim 6, Koyanagi discloses wherein the switching unit, when a specified receiving sensitivity is not obtained during a receipt by the first antenna, switches over to the receipt by the second antenna [col. 1: line 65 – col. 2: line 15; col. 3: line 64 – col. 4: line 3].

9. Claims 1, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's submission of prior art, Chao-Cheng, US Patent Number 5,991,643 (hereinafter Chao-Cheng).

Regarding claim 1, Chao-Cheng discloses a mobile terminal comprising: a first antenna as an omnidirectional antenna; a second antenna as directional antenna; and a switching unit for switching over the antenna for receiving [abstract; col. 1: lines 29-42].

Regarding claim 5, Chao-Cheng discloses wherein the switching unit switches over the receiving antenna in accordance with a receiving sensitivity [col. 3: lines 11-23].

Regarding claim 6, Chao-Cheng discloses wherein the switching unit, when a specified receiving sensitivity is not obtained during a receipt by the first antenna, switches over to the receipt by the second antenna [col. 3: lines 11-23].

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Judd et al., US Patent Application Publication Number 2002/0113743, disclose a combination directional and omnidirectional antenna.

Chiang et al., US Patent Application Publication Number 2004/0046694, disclose a mobile communication handset with adaptive antenna array.


Art Unit: 2617

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-7841. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EAG
December 20, 2006


ERIKA A. GARY
PRIMARY EXAMINER